



115

1794

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/372,646  
Applicant : Marc A. JURGOVAN et al.  
Filed : August 12, 1999  
TC/A.U. : 1794  
Examiner : Drew E. BECKER

Docket No. : 0914-1372-Div1  
Customer No. : 06449  
Confirmation No. : 1694

Attn: Drew Becker  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

COMMUNICATION

Dear Sir:

Pursuant to the telephonic communication with Examiner Drew Becker, it is our understanding that the original application file relating to the subject patent application may have been lost or misplaced at the U.S. Patent and Trademark Office. We are enclosing the best available copy of the file history from our files for the above-referenced patent application.

Please feel free to contact the undersigned if additional information is needed.

Respectfully submitted,

By: \_\_\_\_\_

Joseph A. Hynds

Attorney for Applicants

Registration No. 34,627

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UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/372,646      | 08/12/1999  | MARC A. JURGOVAN     | 914-1372DIV1        | 1694             |

6449 7590 06/18/2003

ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
1425 K STREET, N.W.  
SUITE 800  
WASHINGTON, DC 20005

EXAMINER

BECKER, DREW E

ART UNIT PAPER NUMBER

1761

28

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                               |             |
|-------------------------------|-------------|
| RECEIVED/DOCKETING            |             |
| ROTHWELL FIGG ERNST & MANBECK |             |
| <i>amb</i><br><i>6-24-03</i>  | JUN 21 2003 |
| REFERRED TO                   | <i>RW</i>   |
| FILE NO.                      |             |
| OK TO FILE                    | 914-1372    |



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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. <i>in</i> |
|---------------------------------|-------------|---|-------------------------------|

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| EXAMINER |
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|          |       |
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| ART UNIT | PAPER |
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27

DATE MAILED:

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Commissioner for Patents

All claims are allowable. However, due to a potential interference, ex parte prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 703-305-0300. The examiner can normally be reached on Monday-Thursday 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.

June 5, 2003

*Drew Becker*

Drew E Becker  
Examiner  
Art Unit: 1761



# INTERFERENCE INITIAL MEMORANDUM

Count # 1

## To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties

|   |   |                                |                             |                               |
|---|---|--------------------------------|-----------------------------|-------------------------------|
| PARTY<br>Ramsey et al   | APPLICATION NO.<br>09/481,723   | FILING DATE<br>12 January 2000 | PATENT NO., IF ANY          | ISSUE DATE, IF ANY            |
| If the involved case is a patent, have its maintenance fees been paid? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not due yet   |   |                                |                             |                               |
| Proposed priority benefit (list all intervening applications necessary for continuity):   |   |                                |                             |                               |
| COUNTRY   | APPLICATION NO.   | FILING DATE                    | PATENT NO., IF ANY          | ISSUE DATE, IF ANY            |
| US  | 09/036,232  | 06 March 1998                  | 6,030,122                   | February 29, 2000             |
|   |   |                                |                             |                               |
|   |   |                                |                             |                               |
|   |   |                                |                             |                               |
| The claim(s) of this party corresponding to this count:   |   |                                |                             |                               |
| PATENTED OR PATENTABLE PENDING CLAIMS<br>42-47  |   |                                | UNPATENTABLE PENDING CLAIMS |                               |
| The claim(s) of this party NOT corresponding to this count:   |   |                                |                             |                               |
| PATENTED OR PATENTABLE PENDING CLAIMS<br>31-33, 35-39, 41   |   |                                | UNPATENTABLE PENDING CLAIMS |                               |
| PARTY<br>Jurgovan et al   | APPLICATION NO.<br>09/372,646   | FILING DATE<br>12 August 1999  | PATENT NO., IF ANY          | ISSUE DATE, IF ANY            |
| If the involved case is a patent, have its maintenance fees been paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not due yet   |   |                                |                             |                               |
| Proposed priority benefit (list all intervening applications necessary for continuity):   |   |                                |                             |                               |
| COUNTRY   | APPLICATION NO.   | FILING DATE                    | PATENT NO., IF ANY          | ISSUE DATE, IF ANY            |
| US  | 09/079,382  | 15 May 1998                    | 5,972,396                   | October 26, 1999              |
|   |   |                                |                             |                               |
|   |   |                                |                             |                               |
|   |   |                                |                             |                               |
| The claim(s) of this party corresponding to this count:   |   |                                |                             |                               |
| PATENTED OR PATENTABLE PENDING CLAIMS<br>1-26   |   |                                | UNPATENTABLE PENDING CLAIMS |                               |
| The claim(s) of this party NOT corresponding to this count:   |   |                                |                             |                               |
| PATENTED OR PATENTABLE PENDING CLAIMS   |   |                                | UNPATENTABLE PENDING CLAIMS |                               |
| (Check off each step, if applicable) INSTRUCTIONS   |   |                                |                             |                               |
| <input type="checkbox"/> 1. Obtain all files listed above.  |   |                                |                             |                               |
| <input type="checkbox"/> 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970). |   |                                |                             |                               |
| <input type="checkbox"/> 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b).  |   |                                |                             |                               |
| <input type="checkbox"/> 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)).  |   |                                |                             |                               |
| <input type="checkbox"/> 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.   |   |                                |                             |                               |
| DATE<br>05 June 2003  | PRIMARY EXAMINER (Signature)<br><i>John Beck</i>                              |                                | ART UNIT<br>1761            | TELEPHONE NO.<br>703-305-0300 |
| DATE  | INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER<br>DIRECTOR (signature) |                                |                             | TELEPHONE NO.                 |

1. In combination:
  - a) a flexible package having
    - a elastomeric front wall and an elastomeric rear wall;
    - said front wall and said rear wall being sealed together at a top seal;
    - a first zipper part attached to an inside surface of said front wall and having a first engagement member facing said rear wall;
    - a second zipper part attached to an inside surface of said rear wall and having a second engagement member facing said front wall;
    - said first and second engagement members being engaged together;
    - said top seal being manually pinch-grip openable and said first and second engagement members being manually pinch-grip openable under a pinch-grip pulling force applied to said front and rear walls below said engagement members;
    - said front and rear walls having a sufficient strength to resist tearing and deformation under the application of said pinch-grip pulling force during pinch-grip opening; and
  - b) a food product stored inside said package below said first and second engagement members.